

Heightened Oversight Conference Call Summary

Illinois September 29, 2005

Participants:

Illinois Emergency Management Agency

Paul Eastvold
Gibb Vinson
Steve Collins
Ted Henry
Kevin McClain
Jonathon England
Rose Miller-Ihlenfeldt

NRC State and Tribal Programs

Dennis Rathbun
John Zabko
Bill Rautzen
Jenny Tobin

NRC Region III

Steve Reynolds
Jim Lynch

NRC Region IV

Vivian Campbell

This was the first heightened oversight call resulting from the April 2005 Illinois Integrated Materials Performance Evaluation Program (IMPEP) review. The review identified a number of regulations which were overdue for adoption. In June 2005, the Management Review Board found the Illinois program to be adequate to protect public health and safety but not compatible with the NRC's program. The Management Review Board determined that the Illinois program should undergo a period of heightened oversight until the State adopts regulations identified as overdue. The heightened oversight process involves State preparation of a program improvement plan, bimonthly conference calls, and submission of status reports.

The Illinois program improvement plan was submitted on August 10, 2005, identifying a tracking schedule for overdue regulations. A status report with an "IMPEP Milestones" table, was submitted on September 28, 2005, prior to the conference call.

During this conference call, the following items were discussed:

- Jim Lynch provided an overview of the Heightened Oversight process.

- Kevin McClain described the Illinois rulemaking process, which takes approximately six months after preparation of a draft rule.
- Gibb Vinson discussed each of the regulations identified on their "IMPEP Milestones" table which tracks the regulation process. A number of the overdue regulations are anticipated to be adopted by January 2006. The remainder of the overdue regulations are scheduled to be completed by April 2006. The State's tracking system also addresses those regulations which are required to be adopted but are not yet overdue.
- Bill Rautzen and John Zabko discussed the Organization of Agreement States, Inc. (OAS) Petition for Rulemaking, and the State of Florida's request for Compatibility Category Change concerning the Generally Licensed (GL) Device rule. The OAS petition proposed revisions to 10 CFR 31 and a compatibility category for 10 CFR 31.6. The State of Florida's request proposed a compatibility change to allow States to have more restrictive criteria for GL devices.

While NRC completes its review and response to the petition and compatibility requests, the Commission directed the NRC staff to continue to review Agreement State GL Device proposed and final rules but should hold in abeyance any determination on those rules, and compatibility of those rules, if the Agreement State has the essential elements of the NRC's rule, but is more restrictive than the NRC's rule.

- A Follow-up IMPEP review is tentatively scheduled, in Springfield, for June 2006 with a two-person NRC team.
- The next heightened oversight call is scheduled for 1:00 p.m. (CT) on December 1, 2005. Illinois will submit a status update prior to the call. Jim Lynch will prepare a call agenda.

Questions or comments about this call should be directed to Jim Lynch, Regional State Agreements Officer, at (630) 829-9661.